

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SEVENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 14548 of 2003

Between:

- 1 G.Premanadh Prakash s/o Prakash Rao
Kotcherla Primary Agricultural Co-op Society Ltd., Kotcherla, Epuru Mandal.,
Guntur District.
- 2 V.Lingaiah s/o Raghavaiah
Perurupadu Primary Agricultural Co-op Society Ltd., Bollapalli Mandal.,
Guntur District.
- 3 Ch.Venkateswarlu s/o Chinamurthaiah
Vellaturu Primary Agricultural Co-op Society Ltd., Bollapalli Mandal.,
Guntur District.

..... PETITIONERS

AND

- 1 The Government of Andhra Pradesh, Cooperation Department rep.by its
Secretary, Secretariat., Hyderabad.
- 2 The Commissioner for Cooperation and Registrar of Coop Societies., Nampalli.,
Hyderabad.
- 3 The Guntur District Coop Central Bank Lt rep.by its General Manager., Guntur
Guntur District.
- 4 The District Coop Officer., Guntur Guntur District.
- 5 The Divisional Coop.Officer., Narasaraopet., Guntur District.
- 6 Kotcherla Primary Agricultural Coop Society Ltd., Kotcherla, Epuru Mandal.,
Guntur District rep.by its Manager/ Person-in-charge.
- 7 Perurupadu Primary Agricultural Coop Society Ltd., Bollapalli Mandal.,
Guntur District rep.its Manager/ Person-in-charge.
- 8 Vellaturu Primary Agricultural Coop Society Ltd., Bollapalli Mandal.,
Guntur District rep.its Manager/ Person-in-charge.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or order or direction, more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not paying the salaries to the petitioners is illegal, arbitrary and violative of Article 14 and 21 of the Constitution of India and consequently direct the respondents to pay salaries to the petitioners without reference to Sec.116-C of the Act

Counsel for the Petitioner: MR.A.SATYA PRASAD

Counsel for the Respondent Nos. 1,2,4& 5: G.P. for Co-operation.

Counsel for the Respondent Nos.6 to 8 : MR.M.V.S.SURESH KUMAR

Counsel for the Respondent Nos. 3: ---

The Court made the following :

:ORAL ORDER:

The petitioners are working as Paid Secretaries in respondent Nos. 6 to 8 – Primary Agricultural Co-operative Societies (for short PACS). Their salaries were not being paid by the respondent Nos. 6 to 8 – PACS since April, 2003. This is the grievance under which the writ petition is filed. The petitioners do not establish any liability of the State Government to pay them the salaries. The liability for payment of the

petitioners' salaries is that of the respondent Nos. 6 to 8 – PACS, where they are employed. The petitioners also did not plead or establish that the respondent Nos 6 to 8—PACS are State within the meaning of Article 12 of the Constitution of India. In the aforesaid circumstances, the writ petition is not maintainable and no relief could be granted to the petitioners, on merits herein. The writ petition is, accordingly, dismissed. The petitioners are, however, at liberty to pursue alternative remedy available under law. No costs.

GODA RAGHURAM, J

Dt. 27-07-2004

Pvks/*

To

- 1 The Secretary, the Government of Andhra Pradesh, Cooperation Department Secretariat., Hyderabad.
- 2 The Commissioner for Cooperation and Registrar of Coop Societies., Nampalli., Hyderabad.
- 3 The General Manager, the Guntur District Coop Central Bank Ltd., Guntur

Guntur District.

4 The District Coop Officer., Guntur Guntur District.

5 The Divisional Coop.Officer., Narasaraopet., Guntur District.

6 The Manager/ Person-in-charge, the Kotcherla Primary Agricultural Coop Society Ltd., Kotcherla, Epuru Mandal.,
Guntur District.

7 The Manager/ Person-in-charge, the Perurupadu Primary Agricultural Coop Society Ltd., Bollapalli Mandal.,
Guntur District.

8 The Manager/ Person-in-charge, Vellaturu Primary Agricultural Coop Society Ltd., Bollapalli Mandal.,
Guntur District.

9.2CCs to the learned Government Pleader for Co-operation, A.P. High Court Buildings, Hyderabad (OUT).

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